

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 2

47-40 21st Street, Long Island City, NY 11101

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www.dec.ny.gov

By E-mail and by USPS Certified Mail

June 26, 2019

NOTICE OF VIOLATION

Steve Falcon, General Manager
FAZTEC Industries, Recycling and Materials
200 Bloomfield Avenue
Staten Island, NY 10314

RE: Operating without a SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges associated with Industrial Activity and Stormwater Pollution Prevention Plan (SWPPP)
Site Location: 331 Edward Curry Avenue, Staten Island, NY 10314
Date of Site visit: May 21, 2019

Dear Sir(s):

Pursuant to Article 17, Titles 7 and 8, and Article 70 of the New York State Environmental Conservation Law ("ECL"), the New York State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (MSGP, Permit No. GP-0-17-004) for Stormwater Discharges associated with Industrial Activity (the "Permit") is intended to provide coverage to facilities with stormwater discharges or potential to discharge stormwater to waters of the State that conduct industrial activities identified within 40 CFR 122.26 (b)(14)(i) through (ix) and (xi).

The Department staff visited the above-referenced facilities on May 21, 2019 and noted that this facility is engaged in the business of manufacturing Asphalt. The operation of an asphalt manufacturing facility, with Standard Industrial Classification (SIC) Code 2951, is identified as an industrial activity that requires SPDES Permit coverage. Based on the observations, it was concluded that this facility has the potential to discharge stormwater to a MS4 Catch Basin located on Edward Curry Avenue that discharges to Saw Mill Creek to Arthur Kill – a state water body and have the reasonable potential to cause or contribute to a violation of water quality standards. Our records show that this facility currently does not have a coverage under the SPDES MSGP permit program.

The SPDES MSGP Permit coverage for this facility is not required if all stormwater from up to a 100-year, 24-hour storm from the facility can be contained



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onsite with appropriate method of disposal (i.e., "Zero Discharge" waiver). A facility claiming Zero Discharge must demonstrate through site assessments (site survey, hydrology, on-site retention, soil testing, connection to sanitary sewer etc.), calculations, and/or modeling, that the Zero Discharge criteria can be met.

Based upon the above, the Department requires that the facility must either (A) gain coverage under the SPDES Permit or (B) submit details in support of a Zero Discharge claim within 60 days of this letter (i.e., by August 26, 2019).

In order to gain coverage under the SPDES MSGP, a Stormwater Pollution Prevention Plan (SWPPP) that meets all requirements of the permit applicable to the facility must first be prepared and then a completed Notice of Intent (NOI) must be submitted to the Department either electronically or at the following address by August 26, 2019:

New York State Department of Environmental Conservation
Division of Water - Bureau of Water Permits
625 Broadway, 4th Floor
Albany, New York 12233-3505

A copy of the SWPPP and NOI must also be submitted to the Department's Region 2 Office (Attn: Dilip Banerjee) by August 26, 2019. The SWPPP must be fully implemented at the facilities within 90 days of this letter (i.e., by September 26, 2019).

Please be reminded that failure to undertake appropriate actions in conformance with the deadlines provided in this letter shall result in enforcement action by the Department.

Should you have any questions regarding this Notice of Violation, please contact me at (718) 482-6746 or Mr. Sebastian Zacharias at (718) 482-4936.

Sincerely,



Dilip K. Banerjee, P.E.
Professional Engineer

ec: R. Elburn, P.E.
S. Southwell, P.E.
S. Zacharias, P.E.
M. Lantner, P.E., EPA
Walden Environmental Engineering, PLLC